

EUROMALT

AVENUE DES GAULOIS 9 (ECCO), B-1040 BRUSSELS, BELGIUM

Dockets Management Branch (HFA-305)
Food and Drug Administration
5630 Fishers Lane, room 1061.
Rockville, MD 20852
USA

Brussels, 3 April 2003

Dear Sir/Madam

COMMENTS ON USA BIOTERRORISM ACT - PRIOR NOTICE FOR EXPORTS

EUROMALT represents the interests of the EU malting industry. We welcome the opportunity to comment on the Food and Drug Administration proposals for rules on the registration of food facilities, and on prior notice of imported food shipments in the framework of the implementation of the Bioterrorism Act.

EUROMALT understands the US aim to provide appropriate measures to secure trade, but is concerned by the potential impact of the measures proposed by the FDA. Some of the measures, as they are presently drafted, would impose heavy burdens upon operators. They should, moreover, not be more trade-restrictive than necessary to fulfil the set objective.

We have two specific comments on the proposals:

- i) we request that FDA use the same data that is currently given to US Customs from the importer. We do not see the need to provide duplicate information, which will instead add greatly to the administrative burden. In addition, the requirement for notice by noon of the day before will also increase the burden by increasing the number of updates. We would propose a more flexible regime to allow for unforeseen or unavoidable delays.
- ii) we request an exemption for samples. Samples are not intended for public consumption and so including them does not meet the aim of the proposal to 'enhance the security of the U.S. food supply'.

Finally, EUROMALT fully supports the position of the European Food & Drink Industries (CIAA) in their response to you.

I thank you in advance for taking these concerns into consideration.

Yours sincerely,



Aidan Fitzsimons
President



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